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Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Letter dated 15 November 2002 from the Permanent Representative of the Republic of Korea to the United Nations addressed to the Secretary-General

Upon instruction from my Government, and on behalf of the Permanent Representatives of Chile, the Czech Republic, India, Mali, Mexico, Poland, Portugal, South Africa and the United States of America, I have the honour to transmit herewith the following documents, which were adopted at the Second Ministerial Conference of the Community of Democracies, held in Seoul from 10 to 12 November 2002 under the theme "Democracy: investing for peace and prosperity": the Seoul Plan of Action (see annex I) and the Community of Democracies Statement on Terrorism (see annex II) both adopted by the Conference on 12 November 2002.

I should be grateful if you would have the present letter and its annexes distributed as a document of the fifty-seventh session of the General Assembly under item 109 (b) of the agenda.

(*Signed*) Sun **Joun-yung**
Permanent Representative

02-69868 (E) 021202

Annex I to the letter dated 15 November 2002 from the Permanent Representative of the Republic of Korea to the United Nations addressed to the Secretary-General

Seoul Plan of Action

DEMOCRACY: INVESTING FOR PEACE AND PROSPERITY

THE SECOND MINISTERIAL CONFERENCE OF THE COMMUNITY OF DEMOCRACIES

12 NOVEMBER 2002

We, the Participants in the Second Ministerial Conference of the Community of Democracies held in Seoul on 10-12 November 2002, affirm that the essential elements of representative democracy in all its forms are: respect for human rights – civil, political, economic, social and cultural – including freedom of expression, freedom of the press, and freedom of religion and conscience; access to and free exercise of power in accordance with the rule of law; the holding of periodic free and fair elections based on secret balloting and universal suffrage monitored by independent election authorities; freedom of association including the right to form independent political parties; separation of powers, especially an independent judiciary; and constitutional subordination of all state institutions, including the military, to the legally-constituted civilian authority. We also reaffirm the Warsaw Declaration which includes our common commitment to the purposes and principles of the UN Charter, the Universal Declaration of Human Rights, and fundamental principles of international law.

Recognizing the universality of these democratic values, the dedication of the Community of Democracies to promote and defend democracy, and the human rights and fundamental freedoms protected under democracy, we are committed to the continuous development of democracy domestically and the promotion of democracy regionally and globally. We, working as individual countries, within our regions and globally, adopt this Seoul Plan of Action with a view to accomplishing the following:

1. Regional Action

Recognizing that democratic countries are stronger economic, security, and political partners, and that the promotion of democratic ideals strengthens regional stability and cooperation, we intend to promote regional democratic progress, individually, through regional institutions, and through various measures including:

1-1. In each respective region, developing and fully implementing regional instruments which call upon regional partners to build democratic institutions, adhere to democratic principles, and provide assistance in this field to states which are in need of assistance using proper regional instruments;

1-2. Developing regional human rights and democracy monitoring mechanisms in order to consolidate regional potentialities to promote and protect human rights and democratic principles as well as to promote dialogue between countries on those issues and to remedy their violations;

1-3. Improving diplomatic engagement and dialogue with countries where respect for human rights, fundamental freedoms, and universally-accepted principles of democracy are in question, in order to highlight international concerns and promote democratic change;

1-4. Fighting corruption and upholding government integrity and good governance.

In addition, we further encourage states to consider various measures which may include:

1-5. Convening regional meetings of representatives of the government, political parties and civil society to:
- Review the state of democracy, including the human rights situation in the region;
- Share experiences and identify best practices in the region;
- Utilize lessons learned, including those applicable from other regions, to encourage an ' assist emerging democracies to develop and strengthen adherence to human rights and fundamental freedoms, and universally-accepted principles of democracy, as well as to regionally-agreed upon democracy charters;
- Develop or strengthen mechanisms in regional organizations' charters and procedures that promote democracy, *inter alia*, the Inter-American Democratic Charter approved on Sept 11, 2001 by American states, adopted following the appeal for regional initiatives included in the Warsaw Declaration.

1-6. Engaging regional and extra-regional partners to assist in democratic development and institution building.

2. Responding to Threats to Democracy

Recognizing the need to protect against threats to democracy including terrorism, the Community of Democracies may outline a series of measures that could be used with full respect for international law by countries individually, together or as members of international or regional organizations to promote, defend, strengthen or restore democratic institutions.

To prevent or respond to scenarios of violence against a democratic government, disruption of constitutional rule, persistent unconstitutional alteration of the democratic order, or support for terrorism, countries may need to resort, preferably within the framework of regional or international organizations, to a range of measures, including but not limited to:

2-1. In the particular case of terrorism, suspending bilateral relations, commerce with or aid to those states supporting terrorism and aid, support or linkages to non-state organizations supporting terrorism and, as appropriate, upon determination by the UN Security Council;

2-2. Adopting and complying with all their obligations in the 12 UN Conventions against Terrorism, and the mechanism adopted by the UN Security Council Committee established pursuant to Res. 1373 (2001), concerning counter-terrorism (the Counter-Terrorism Committee);

2-3. Creating a cadre of trained experts able to assist countries facing a threat to their democracy;

2-4. Developing monitoring systems for democratic crises so that early assistance can be provi led to support democracy;

2-5. Considering convening countries when needed to coordinate diplomatic or other efforts or political mediation;

2-6. Providing recommendations based on an on-site analysis in order to uphold democratic principles and human rights;

2-7. Supporting actions through rapid consideration mechanisms by regional and international organizations;

2-8. Enhancing existing regional and international instruments and democracy clauses, e.g. by strengthening positive economic incentives, and by preventing not only ruptures in but also the deterioration of democracy;

2-9. Offering good offices to assist, as needed, governments, other political actors, civil society, and public institutions to produce an accord committing to prescribed remedial measures;

2-10. Providing long-term technical support or monitors to strengthen democratic institutions, election process and reform efforts.

In accordance with the principles articulated in the Warsaw Declaration, the Community of Democracies, through as wide consultations as possible with its participants, will not include those countries where there is currently a disruption of constitutional rule or severe persistent erosion of or lack of essential elements of democracy.

3. Education for Democracy

Recognizing that education at all levels is a fundamental component for ensuring citizens are aware of their rights and civic duties as members of a democratic society, equipped with the basic skills for effective participation in public affairs, and that an educated citizenry is essential to the development, maintenance, and strengthening of democratic institutions and growth, we intend to encourage States and all relevant levels of government in our respective countries to promote a culture of democracy through education for democracy by:

3-1. Strengthening public education through:
- Encouraging the development of human capacity to empower an educated public who can participate in the national decision-making process;
- Seeking to ensure universal primary education;
- Adapting public education curricula to further incorporate the promotion and understanding of democracy, and democratic principles and institutions;
- Providing training to teachers to enable them to better inform students at all learning levels of democratic principles and human rights;
- Seeking to guarantee full access to education for all citizens, with specific emphasis on such access for women and girls.

3-2. Organizing public information campaigns regarding democracy, civil rights and civic responsibilities.

3-3. Encouraging the media to play a role in public education and in spreading democratic values.

4. Promoting Stronger Democracies through Good Governance

Recognizing that transparency and accountability are a democratic government's responsibility to its citizens, we intend to build strong democratic institutions and practices that are the backbone of good governance through:

4-1. Promoting the rule of law by:
- Seeking to ensure that government decision-making is open and transparent and that citizens have access, including via electronic means, to information concerning government action, laws, court decisions, procurement decisions and legislative proceedings and establishing freedom of information legislation;
- Implementing or strengthening, if necessary, constitutional and other safeguards for the independence and impartiality of the judiciary, including establishing procedures to ensure a professional corps of judges;
- Establishing any mechanisms that may be needed to ensure high standards of competence and conduct from prosecutors, defense attorneys and other members of the legal profession;
- Establishing the necessary legal, judicial, and enforcement mechanisms to ensure that basic democratic principles and human rights are fully enforced, particularly through the development and implementation of regular training procedures for military and police;
- Promoting implementation of good governance practices and enforcement of anticorruption measures and providing support for negotiations to finalize a UN convention against corruption;

- Seeking to ensure open and transparent budgetary procedures that provide for oversight by an independent legislature;
- Encouraging the involvement of civil society in the process of governance at the local, national and international levels.

4-2. Alleviating poverty and promoting economic growth by:

- Strengthening good governance as a critical foundation for economic development;
- Adopting policies which prioritize and promote sustainable social and economic development;
- Promoting transparency and openness;
- Stimulating social policies to fight exclusion, with due consideration to gender perspective and social inequalities derived from racial discrimination;
- Encouraging popular participation in national economic development and the decision-making processes;
- Recognizing the urgent need to develop ways to strengthen and sustain democracies to address social demands, boost economic development and support democratic stability and good governance.

4-3. Building and sustaining a strong political party system and a healthy civil society by:

- Creating a favorable environment, including a strong legal framework, for the development of political parties and their free engagement in political developments, elections, and responding to the interests of various segments of society;
- Establishing mechanisms to promote transparency in political parties' financing;
- Guaranteeing freedom of expression for individuals, including media outlets and journalists, engaging in the public exchange of ideas;
- Establishing constitutional protection of and mechanisms for the involvement of civil society in the governance process and developing a regular government-civil society dialogue;
- Supporting non-governmental groups that inform citizens of their rights and responsibilities, that help engage citizens with their government, that advocate democratic values and that assist people in developing basic skills needed for effective participation in public affairs;
- Encouraging the efforts of the public and private sectors to achieve equality between women and men in their ranks, including in terms of their participation in decision-making bodies;
- Protecting and promoting the equal rights of women and men to engage in political activities, including membership in political parties and trade unions;
- Providing opportunities for citizens and civil society organizations to participate in government at the local level, including through town councils.

5. Volunteerism: Toward a Stronger Civil Society

Recognizing that active involvement in the community strengthens an individual, those served, and the community as a whole; contributes to a vibrant civil society; and encourages partnership among citizens, civil society organizations, and governments, we intend to promote volunteerism by:

5-1. Encouraging our citizens to volunteer service domestically or internationally in the interest of promoting democracy and civil society;

5-2. Minimizing obstacles or legal limitations to volunteerism;

5-3. Urging public and private sector groups to encourage their workforces to volunteer and to forge partnerships with volunteer activities;

5-4. Highlighting the importance of volunteerism.

6. Coordinating Democracy Assistance

As democracy assistance has increased over the past decade, it has raised the need to ensure effective coordination in order to multiply effectiveness, create synergy, and avoid duplication in some areas while other important areas are under-assisted. While coordination at the country level has improved in certain instances, there is room for continued improvement for democracy promotion policies. The Community of Democracies intends to:

6-1. Identify assistance methods including those that most effectively facilitate free and fair elections, help countries develop an independent judiciary and accountable government institutions, and strengthen political parties, the free press, civil society groups, and a democratic political culture.

7. Procedures

The Convening Group will continue to meet regularly and be available to offer support and advice to participating states for actions taken within regional or international organizations following and based on the valuable experience gained in the past two years. In close consultation and cooperation with the Community of Democracies' interested participants, Convening Group will encourage the formation, among others, of coalitions and caucuses to support democracy. The Convening Group thereby aims to identify means of facilitating action, sharing information about developments of and to discuss means of promoting and consolidating democracy in the respective regions. The Convening Group will also be available as a means of bridging regions and regional organizations to promote the sharing of best practices and ideas.

The Convening Group will follow up on the progress in the implementation of the Seoul Plan of Action and report to the Third Ministerial Conference.

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Annex II to the letter dated 15 November 2002 from the Permanent Representative of the Republic of Korea to the United Nations addressed to the Secretary-General

Community of Democracies Statement on Terrorism

The Second Ministerial Conference of the Community of Democracies
12 November 2002
Seoul

1. The Participants of the Second Ministerial Conference of the Community of Democracies held in Seoul from 10-12 November 2002 strongly denounce terrorism as a grave threat to democratic societies and the values they embrace. They reaffirmed that terrorism constitutes a threat to international peace and security as well as to humanity in general and indeed the very foundation on which democracies are built. The most recent terrorist attacks confirm that international cooperation against terrorism will remain a long-term effort and requires a sustained universal commitment.

2. The Participants emphasize that the democratic principles and institutions promoted by international and regional organizations and reiterated by the Community of Democracies are crucial elements in endeavors to combat terrorism. Democracy provides a solid foundation for peaceful thriving societies by empowering people, holding governments more accountable and responsive to the people's needs, facilitating sustainable economic development, and, above all, enhancing respect for and protection of all human rights and fundamental freedoms. To protect societies from the scourge of terrorism and to create equitable, stable and secure societies, the participants reiterate their determination to strengthen sound democratic institutions and good governance as well as to promote their underlying principles. The participants stress that any laws or measures against terrorism should comply with states' existing obligations under international human rights law, as well as international humanitarian and refugee law applicable in specific situations.

3. The Participants underscore that terrorism cannot be justified by any cause or under any circumstances and note that the fight against terrorism requires a comprehensive set of actions, including addressing conditions that may offer a breeding ground for terrorism. The promotion of respect for human rights and fundamental freedoms, mutual understanding, respect for cultural diversity, public civil education as well as collaborative efforts to alleviate poverty and empower socially marginalized people could help contain terrorism and promote a more peaceful and prosperous international community.

4. The Participants underline that the fight against terrorism requires cooperation between and among states. They reiterate their resolve, expressed in the Warsaw Declaration, to strengthen cooperation to face transnational challenges to democracy such as state-sponsored, cross-border and other forms of terrorism. They therefore welcome increased cooperation at the regional as well as global levels. They renew their commitment to these concerted efforts to combat terrorism. In particular, they reiterate the need for universal ratification and full implementation of the UN Conventions and Protocols related to acts of terrorism, as well as the need to enforce the provisions of all the relevant United Nations Security Council resolutions including UNSCR 1373. They also commit themselves to ensuring the full implementation of the measures set out in the Seoul Plan of Action which will contribute greatly to the consolidation of democracy at the national, regional and global levels, thereby enabling their respective societies to better counter terrorism.

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